

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TYRONE MOORE,	:	CIVIL ACTION NO. 1:05-CV-0828
	:	
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
JEFFREY BEARD, Commissioner, Pennsylvania Department of Corrections; DAVID DIGUGLIELMO, Superintendent of the State Correctional Institution at Graterford,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 26th day of August, 2014, upon consideration of the petition for writ of habeas corpus filed by petitioner Tyrone Moore ("Moore") pursuant to 28 U.S.C. § 2254, the evidentiary hearing held in this matter on May 1, 2014 and May 2, 2014, and the post-hearing memoranda (Docs. 106-08), and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is GRANTED with respect to Moore's claims that his Sixth Amendment right to counsel was violated in that counsel was ineffective in failing to present Anthony Brad Jones as a defense witness to contradict the Commonwealth's case and in failing to impeach Ricardo Scott, the Commonwealth's key witness.
2. Moore's convictions of first degree murder, criminal conspiracy, robbery, theft by unlawful taking or disposition, and recklessly endangering another person in Court of Common Pleas, Luzerne County, Criminal Division, Case No. 22 of 1983, are VACATED.

3. Execution of the writ of habeas corpus is STAYED for ninety (90) days from the date of this order, during which time the Commonwealth of Pennsylvania may afford petitioner a new trial.
4. If either party files an appeal, execution of the writ is STAYED pending final disposition of the appeal.
5. There is no basis for the issuance of a certificate of appealability. See R. GOVERNING § 2254 CASES R. 11(a) (“The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant”).
6. The Clerk of Court is directed to ADMINISTRATIVELY CLOSE this matter.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania